GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD – Allegations of claiming of salaries irregularly in respect of Sri P.Kamal Suresh Babu, the then Jr.Asst., O/o the EE., P.R., Kavali, SPSR Nellore Dist. for the period of absence while on deputation at the Office of the MPDO., Dagadarthi, SPSR Nellore District – Disciplinary proceedings against Sri P.Kamal Suresh Babu, the then Jr.Asst., O/o the Executive Engineer, PR., Kavali, SPSR Nellore District, under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.786 **Dated:30.11.2017**

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ORDER:

It is proposed to hold an enquiry against Sri P.Kamal Suresh Babu, the then Junior Assistant, Office of the Executive Engineer, Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A statement of imputations of misconduct, a list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II,III and IV).

3. Sri P.Kamal Suresh Babu, the then Junior Assistant, Office of the Executive Engineer, Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri P.Kamal Suresh Babu, the then Junior Assistant Office of the Executive Engineer, Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri P.Kamal Suresh Babu, the then Junior Assistant Office of the Executive Engineer, Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri P.Kamal Suresh Babu, the then Junior Assistant, Office of the Executive Engineer, Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri P.Kamal Suresh Babu, the then Junior Assistant, Office of the Executive Engineer, Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY

PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P.Kamal Suresh Babu, the then Junior Assistant, Office of the Executive Engineer,Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District through the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.

The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada (in duplicate with a request to serve and return the dated acknowledgement copy).

Contd….P.2/

Copy to:

The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary, Andhra Pradesh Vigilance Commission.
The Panchayat Raj & Rural Development (Estt.I) Department.
S.f./S.c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI P.KAMAL SURESH BABU, THE THEN JR.ASST. O/o EXECUTIVE ENGINEER, PANCHAYAT RAJ, KAVALI, SRI POTTI SREE RAMULU NELLORE DISTRICT.

CHARGE:

That Sri Pasupuleti Kamal Suresh Babu, while working as Jr.Assistant, Office of Executive Engineer, Panchayat Raj, Kavali, Sri Potti Sree Ramulu Nellore District, remained absent for duty for 613 days unauthorisedly during the period from April, 2007 to January, 2011 and also received the salaries for the entire period of 613 days to a tune of Rs.3,18,000/- irregularly from the Department.

Thus, Sri P.Kamal Suresh Babu, the then Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3 (1) (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Hence the charge.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI PASUPULETI KAMAL SURESH BABU, THE THEN JUNIOR ASSISTANT, OFFICE OF THE EXECUTIVE ENGINEER, PANCHAYAT RAJ DIVISION, KAVALI, SPSR NELLORE DIST.

Sri Kamal Suresh Babu, Junior Assistant was originally appointed as Junior Assistant at Mandal Parishad Development Officer Office, Ananthasagaram Mandal on 17.05.1995 on compassionate appointment grounds and he worked there up to 19.11.1999 and from 20.11.1999 to 31.07.2007 he worked at Office of Mandal Parishad Development Officer Dagadarthi. Then he was transferred to office of Executive Engineer, Panchayat Raj, Kavali Division, Sri Potti Sree Ramulu Nellore District and reported on 01-08-2007 and worked up to 16.08.2007. He was sent to Office of Mandal Parishad Development Officer, Dagadarthi Mandal on deputation from the Office of Executive Engineer, Panchayat Raj, Kavali Division and was relieved on 17-08-2007 vide Rc.No.A2/JA/Vol-II and as per orders of Chief Executive Officer, Zilla Parishad, Nellore vide Rc.No.A2/5581/2006 dated:10.08.2007. He reported in the Office of Mandal Parishad Development Officer, Dagadarthi Mandal and every month he received salary from Office of Executive Engineer., Panchayhat Raj, Kavali without sending the duty certificates from the Office of the Mandal Parishad Development Officer, Dagadarthi Mandal. His post was at Office of Executive Engineer, Panchayat Raj, Kavali but on deputation orders of the Chief Executive Officer, Zilla Parishad, Nellore the Executive Engineer, Panchayat Raj, Kavali relieved him from his office on deputation basis to Office of the Mandal Parishad Development Officer, Dagadarthi Mandal. The Audit report clearly establishes the un-authorized absence of Sri Kamal Suresh Babu, Junior Assistant.

As per the audit report, the Kamal Suresh Babu remained absent for duty unauthorisedly for a period of 613 days as detailed below.

01-04-2007 to 06-04-2007	6 days
01-06-2007 to 02-06-2007	2days
25-06-2007 to 26-06-2007	2days
29-06-2007 to 30.06.2007	2days
01-07-2007 to 05.07.2007	5days
25.07.2007 to 30.07.2007	6days
17.08.2007 to 31.01.2011	590days
Total absent period	613days

In the statement of Muthyam Babu, Executive Engineer, Panchayat Raj, Kavali clarified that Sri Kamal Suresh Babu after transfer from Office of Mandal Parishad Development Officer Dagadarthi to Office of Executive Engineer, Panchayat Raj, Kavali, he reported for duty on 01.08.2007. After obtaining the deputation orders from the Chief Executive Officer, Zilla Parishad, Nellore dated 10.08.2007, the Executive Engineer, Panchayat Raj, Kavali relieved him on 17.08.2007. Sri Kamal Suresh Babu had taken the orders of deputation and reported at Office of Mandal Parishad Development Officer, Dagadarthi on the same date i.e. 17.08.2007, but absented for 9 days during August, 2007 and as well as other periods as detailed below.

Sl.No.	Period	Duration of absence	Remarks
1.	01.04.2007 to	6 Days	Regular Post at O/o MPDO., Dagadarthi Mandal

	06.04.2007		
2.	01.06.2007 to 02.06.2007, 26.06.2007 to 26.06.2007 and29.06.2007 to 30.06.2007	6 Days	Regular Post at O/o MPDO., Dagadarthi Mandal.
3.	01.07.2007 to 05.07.2007 and 25.07.2007 to 30.07.2007	11 Days	Regular Post at O/o MPDO., Dagadarthi Mandal.
4.	August, 2007	9 Days	Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
5.	September, 2007	26 Days	Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
6.	October,2007	27 Days	Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
7.	November, 2007	28 Days	Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
8.	December, 2007	29 Days	Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
9.	January, 2008 to December 2008		Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
10.	September, 2009 to December, 2010	462 Days	Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
11.	January, 2011	9 Days	Deputation post as Jr.Asst. at the O/o MPDO., Dagadarthi Mandal.
Total Days		613 Days.	

The oral statements of the witnesses recorded by the enquiry officer substantiate the absence period of Sri P.Kamal Suresh Babu, Junior Assistant referred above coupled with the documentary evidence. The Enquiry Officer also examined Executive Engineer, Panchayat Raj, Kavali, two auditors who audited the file of Sri Kamal Suresh Babu, Junior Assistant and had given audit report mentioning that Sri Kamal Suresh Babu, Junior Assistant had absented for a period of 613 days and received the salaries for the said period to a tune of Rs.3,18,000/- irregularly. The Enquiry Officer examined Office Superintendent, Office of Chief Executive Officer, Zilla Praja Parishad, Nellore and she stated that Sri P. Kamal Suresh Babu duty certificates never received by the Executive Engineer, Panchayat Raj, Kavali, from the Mandal Parishad Development Officer Office, Dagadarthi about his absence. Further, her statement reveals that no information was furnished to the Office of SP., Nellore either from Executive Engineer, Panchayat Raj, Kavali or from the office of Mandal Parishad Development Officer, Dagadarthi. As per the Auditor's Report and the statement shows that even for the absence period, Sri Kamal Suresh Babu drawn the salaries illegally and thereby caused loss to the Government exchequer in collusion with 13 other Government Servants (i.e., S.Raghunath, V.Naga Raju, K.Venkateswara Rao, C.V.Phaneedra Prasad, S.Ramana Rao, P.Nageswara Rao, A.Syam Prasad, V.Sree Ramulu, C.Suryanarayana, K.Srinivasa Rao, Ch.V.Satyavathi, N.Venkateswara Rao, K.V.Srinivasa Rao). Even in

the explanation of Sri Kamal Suresh Babu he admitted that he was absent for a period of 590 days in between 17.8.2007 to 10.01.2011. He further admitted that he was mentally upset due to his family problems and the department inadvertently had drawn the salary and some amount was credited to bank loan and the remaining was drawn by him through ATMs by his family members.

Thus, the Government Servant, Sri Kamal Suresh Babu, by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3(1) (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, the Government Servant therefore rendered himself liable for regular departmental action for major penalty besides recovery of amount due to the Government from him.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI P.KAMAL SURESH BABU, THE THEN JUNION ASSISTANT O/O THE EXECUTIVE ENGINEER, PANCHAYAT RAJ DIVISION, KAVALI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED

1) Attendence Register of O/o Mandal Parishad Development Officer, Dagadarthi Mandal for the years 2007, 2009 and 2010.

2) Service Book of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District.

3) Transfer Order vide Rc.No.A2/3688/2007 dated:24-07-2007 of Chief Executive Officer, Zilla Praja Parishad, Nellore.

4) Joining Report of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore Dist.

5) Deputation Orders vide Rc.No.A2/5581/2006 dated:10.08.2007 of Chief Executive Officer, Zilla Praja Parishad, Nellore, Sri Potti Sree Ramulu Nellore District.

6) Relieving Orders of Executive Engineer, Panchayat Raj, Kavali, dated:17.08.2007 of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District.

7) Joining Report of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District dt:17-08-07.

8) Bank Statements of salaries of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District.

9) Withdrawal Statement of salaries through ATMs of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District.

10) Remitted receipts of cash of Rs.2,80,000/- by the Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District.

11) Proceedings of cancellation of deputation of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant, Office of the Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District vide Rc.No.A1/4220/2007 dated: 25-11-2010.

12) Audit Report dated:26-02-2013 by the Senior Assistant, O/o Asst. Auditor, State Audit, (Zilla Praja Parishad), Nellore.

13) Service Particulars of Sri Pasupuleti Kamal Suresh Babu, Junior Assistant.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI P.KAMAL SURESH BABU, THE THEN JR. ASSISTANT, OFFICE OF THE EXECUTIVE ENGINEER, PANCHAYAT RAJ DIVISION, KAVALI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED.

1) Sri Vemula Naga Raju, S/o. Subba Ramaiah, aged about 41 years, Caste by Yadava, Jr.Assistant, O/o Zilla Praja Parishad, Nellore, Sri Potti Sree Ramulu Nellore District.

2) Sri Kovvuru Ananda Rao, S/o. Venkata Seshaiah, aged about 53 years, Office Subordinate, Office of Mandal Parishad Development Officer, Dagadarthi Mandal, Sri Potti Sree Ramulu Nellore District.

3) Smt.Darla AkulaMalayamathi, W/o. AWDK. Sekhar, aged about 55 years, Senior Assistant, O/o Zilla Praja Parishad, Nellore, Sri Potti Sree Ramulu Nellore District.

4) Kaliboga Sivakumar, S/o. Pullaiah, aged about 37 years, Office Subordinate, Office of Mandal Parishad Development Officer, Dagadarthi Mandal, Sri Potti Sree Ramulu Nellore District.

5) Gaddam Muthyam Babu, S/o. Babji Rao, aged about 47 years, Executive Engineer, Panchayat Raj Division, Kavali, Sri Potti Sree Ramulu Nellore District.

6) Smt. Suram Sridevi, W/o. Late Venkateswarlu, aged about 48 years, formerly Superintendent at the Office of Zilla Praja Parishad, Nellore, Sri Potti Sree Ramulu Nellore District.

7) Pesala Krishna Reddy, S/o.Sanjeeva Reddy, aged about 49 years, Senior Assistant, Office of the Assistant Audit Officer, State Audit (Zilla Parishad), Nellore, Sri Potti Sree Ramulu Nellore District.

8) Sri A.Leela Kumar, S/o. Late Sambasiva Rao, aged about 45 years, Senior Auditor, Office of the Assistant Audit Officer, State Audit (Zilla Parishad), Nellore, Sri Potti Sree Ramulu Nellore District.

9) Sri B.Sarath Babu, Deputy Superintendent of Police, Anti-Corruption Bureau, Nellore Range, Nellore.

10) Sri V.Sudhakar Reddy, Inspector, Anti-Corruption Bureau, Nellore Range, Nellore.

11) Sri T.V.Srinivasa Rao, Inspector of Police, Anti-Corruption Bureau, Nellore Range, Nellore.

12) Sri N.Siva Kumar Reddy, Inspector of Police, Anti-Corruption Bureau, Nellore Range, Nellore.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER